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Concept Paper

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# Female Leadership in Shia Islam: Women on the Way from Mujtahid to Marja'

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<https://doi.org/10.3390/soc14010002>

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# Female Leadership in Shia Islam: Women on the Way from Mujtahid to Marja'

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**Abstract:** Marja' al-taqlid are Shia religious scholars of the highest level, something which takes decades to achieve. At present, most Shia scholars agree that women cannot be Marja', i.e., create religious rulings for other people. But there is a space for discourse, and there are even a few scholars who disagree with the mainstream narrative. In this paper, I argue that, with time, the number of these scholars will increase, since Shia Islamic thought is 'live' and flexible, and adapts to the changing social conditions. The main obstacles that prevented women from reaching this level were the conservative views of some scholars and the lack of access to education. As the number of women with religious education constantly increases, the appearance of a female Marja' will be a matter of time, but will still cause some resistance from some patriarchal members of society.

**Keywords:** women in Islam; Shi'ism/Shia Islam; Islamic law; Fiqh/Islamic jurisprudence; ijihad; women's rights

## 1. Introduction

Some of the phenomena occurring in Muslim communities are often criticized in the modern world, especially from the aspect of the problem of gender inequality in Islam. Taha Jabir al-Alwani noted among these the problems associated with thoughts about women's inferior minds, lesser religious conviction, a woman's testimony, polygamy, the need for permission from her husband to leave the house, woman's share of inheritance, and others [1].

One of these problems is also the status of a woman as a subject of gaining knowledge, which includes religious knowledge, performing ijihad, as well as the possibility of her becoming a Marja' at-taqlid. The latter is relevant only for the Usuli direction of Twelver Shias analysed in this paper—the main denomination within Shia Islam. In this article, I examined this problem by analysing the main existing points of view on permissibility of woman to become a Marja' at-taqlid in Shia Islamic thought, in order to find out possible options for solving it. I argue that Shia Islamic thought is flexible and adapting fast to the changing social conditions, and that it can be viewed through the issue of female authority, in particular. This allows us to see how women's status is transforming in this school of thought; if, 100 years ago, it was not even the topic of discussion, nowadays there are religious scholars promoting women's rights and their right to obtain leading positions, including the position of Marja'.

The paper begins with an examination of the concept of Marja'iyat, in order to define the conceptual apparatus of the research and the requirements put forward in order to become a Marja'. Further, through the study of the process of obtaining religious knowledge in the Shia school of thought, I attempt to determine the characteristics of the career growth of Shia religious scholars. Next, analysis of the lives of famous Shia women-mujtahids shows the aspects of their formation, the attitude towards them in society, and their contribution to the Shia doctrine and community. In the end, I cover existing points



**Citation:** Tahiev, A. Female

Leadership in Shia Islam: Women on the Way from Mujtahid to Marja'.

*Societies* **2024**, *14*, 2. <https://doi.org/10.3390/soc14010002>

Academic Editor: Gregor Wolbring

Received: 30 October 2023

Revised: 23 November 2023

Accepted: 1 January 2024

Published: 3 January 2024



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of view on the possibility of women becoming Marja' highlighting the advantages and disadvantages in their argumentation in order to predict the possible development of Shia legal thought and the solution of such a gender problem.

## 2. Marja'iyat in Shia Islam

Marja' at-taqlid (the abbreviated name "Marja'" is quite common in the literature) is a religious mentor, one who is imitated. He should be considered to be in inseparable connection with the "taqlid", "ijtihad", "mujtahid" and "muqallid". The Grand Ayatollah Makarem Shirazi defines the word "taqlid" as translated from the Arabic language as imitation and following, and, in Islamic religious practice the word "taqlid" means the following by Muslims of instructions (fatwas) of an authoritative religious jurist (mujtahid), who has reached the highest levels of Sharia knowledge, as well as its practical imitation in the performance of religious rites [2]. In general, this whole concept follows from the methods of cognition of religious decisions. Thus, the Grand Ayatollah Sayyid Ali Khamenei notes that a religiously obligated person (meaning an adult and a mentally healthy person), in learning and following religious precepts, can use three ways:

(1) Ijtihad—the "derivation" of practical religious precepts and divine laws from reliable sources.

(2) Ihtiyat (caution)—an action by which a person gains confidence in the performance of their religious duty. For example, they do not commit an act that some mujtahids forbid and some others allow; or commit an act that some Muslim jurists consider mandatory and some others do not.

(3) Taqlid—an appeal in practical religious matters to Muslim jurists, who meet all the necessary conditions; in other words, compliance with religious laws in accordance with the fatwas and judgments of the scholar [3].

Thus, there are three subjects in this school from a religious legal point of view—Marja', mujtahid and muqallid (the one who follows, i.e., the one who performs taqlid).

Next, one need to answer the question, what are the criteria for becoming Marja'? In Shi'ism there is a specific and almost common list of requirements that apply to the Marja'. According to the fatwas of the Grand Ayatollah Ali Sistani, the Marja' must be a just, living, adult, male, and Shia (follower of the twelve imams) [4]. Sayyid Ali Khamenei defines the following conditions that a Marja' must meet: he must be a male, adult, mentally capable, Shia (Jafari, Twelver—those who recognize 12 imams), mujtahid (i.e., reaching the level of ijtihad), legitimate (i.e., born in marriage), righteous and just; and, according to (mandatory) cautions, must be alive and the most competent in matters of Islamic law. And, also, taking into account the importance of this "position", based on the obligatory caution, he is required not to be a slave to his passions and not to have an excessive love for this world (i.e., to have a modest lifestyle) [3].

Analysing these requirements, I believe we must consider in more detail some of the criteria. By righteousness is meant the state of mind, which contributes to the fact that a person is constantly God-fearing and pious, which will prevent him from committing sins and will reveal righteousness in a person through enough of his external decency.

As for the inadmissibility of following the fatwa of a deceased Marja', there is an exception to this rule—this is allowed only if the muqallid followed the fatwa of the mujtahid during the life of the latter. In this aspect, the argumentation for the justification of this rule is quite interesting. Thus, analysing the position of Murtadha Mutahhari on this issue, we can identify the following reasons for the prohibition of following the fatwas of the deceased Marja':

- The first purpose of this principle is that it should be a means of survival for traditional centres of Islamic sciences, that there should be continuity and that Islamic sciences should be preserved—and not only preserved, but also improved; those issues that have not previously been resolved, must be resolved. Thus, such living mujtahids are a means of continuing and developing Islamic sciences;

- Muslims face new problems in their lives every day, and they do not know what their duty is in these matters. It is necessary to have a living jurist, who would be aware of the current situation, to respond to new “challenges” [5].

I have listed all requirements needed to become the Marja’, so that everyone can determine for themselves whether women can meet these criteria or not.

### 3. The Process of Acquiring the Title of Mujtahid and Marja’

Islam lacks a clear clerical hierarchy. Since Shia Islam is characterized by the institutions of “open gates of ijtiḥād” and Marja’ at-taqlid, Shia clerics have a certain hierarchy, which is flexible and is still being formed. So, for example, there is still no clear procedure for how to become a Marja’. The Islamic Revolution in Iran has also made a significant contribution to this system, as it is the place where most current Shia religious figures receive their religious education. Those who begin their path in the Shia sciences are called “talaba” (students), and the highest level they can reach is the level of the Grand Ayatollah, or Ayatollah al-Uzma. Thus, S. Golkar describes the learning process of these students as follows. In the past, students could take any course with any teacher they liked, and study one course even for several years. However, seminaries are now more like universities. The student must take specific courses with assigned teachers in the semester base, and complete the study within a certain time. The first three years consist of introductory courses (Arabic grammar, rhetoric and logic). After these three years, there is a first-level curriculum, which is equivalent to a junior specialist degree. At the next level, students of theological seminary study Islamic studies at the introductory level. After passing this level, which takes three years, students are allowed to wear “clerical garb”, (i.e., special clothes of clerics), although some students prefer not to wear them. Those who choose to wear these clothes are called “segat al-Islam” (trustworthy of Islam). Some of them go to judicial schools to become judges. The same group of students who continue their studies at the second level for 3 years, and at the third level, for 1 year, are equivalent, respectively, to those at the bachelor’s and master’s levels. Third-level students are required to wear the clothes of the clergy, and are called “hujjat al-Islam” (proof of Islam). The same students who continue their education at the fourth level specialize in Shia jurisprudence. As a new initiative to modernize seminary schools, these groups of students will graduate only after writing a dissertation and passing an oral exam. Graduates of this level are called “ayatollah” (sign of God), and are mujtahids; accordingly, they have the authority to perform ijtiḥād [6]. At the last stage of training, much depends on the head teacher, whose main task is to closely monitor the progress of students in order to determine which of them is ready to obtain “permission” (ijāzat) to perform the tasks of mujtahid.

As for the competence of the mujtahid, depending on its competence, Ali Khamenei distinguishes the following types of ijtiḥād:

- Absolute (mutlak) ijtiḥād—when its owner (meaning mujtahid) achieves the ability to issue fatwas in all sections of Islamic jurisprudence;
- Non-absolute (mutajazzi) ijtiḥād—when its owner can issue a fatwa only in some sections of Islamic law [3].

That is why it is permitted to imitate/follow several mujtahids at the same time, choosing the most competent in various matters. In general, the future mujtahid, before starting to study Islamic law, given that in the future he will express his opinion and make decisions based on the Qur’an and hadith, must master such disciplines as the following:

1. Arabic language and literature, because the language of the Qur’an and Sunnah is Arabic;
2. Comments on the Holy Qur’an (tafsir);
3. Logic (ilm al-mantik);
4. Hadith studies (ilm al-hadith)—the knowledge and ability to apply them and to distinguish authentic hadith from unreliable ones;
5. Science of the narrators of hadith (ilm ar-rijal).<sup>1</sup>

Heinz Halm wrote that, among the mujtahids in the post-revolutionary years, there was a kind of hierarchy, which is expressed in the standard form of treatment. The first honorary title that a mujtahid can receive is “the authority of Islam and Muslims” (*hujjat al-Islam wal-muslimin*). The next level is the “sign of God” (*ayatollah*). The highest title is “the greatest sign of God” (*ayatollah al-uzma*), and this title is reserved for the very few Grand Ayatollahs generally recognized as “sources of emulation” (*Marja’ at-taqlid*). So, male mujtahids may eventually become *Marja’ at-taqlid*, who are representatives of the highest-ranking Shia clergy [7]. Thanks to religious taxes (primarily *khums*) and financial independence, they can run seminaries and support seminary students who study at these institutions. This honorary title is acquired in a rather informal way: the mujtahids—if possessing the appropriate personal authority—obtain this title from their followers. Sindawi writes that there are three factors contributing to a mujtahid’s becoming a *Marja’*: erudition, relations with members of different Shia communities, and a talent for establishing a network of loyal students around the world who spread his teachings and raise funds for him [8] (p. 847). So, this rather new hierarchy has not yet developed a formal procedure for obtaining the title of *Marja’*.

#### 4. Women Mujtahids

There is a consensus among almost all Shia scholars that only a man can be a *Marja’*, but it should be noted that everyone accepts that woman can be a mujtahid. The term *mojtahede* (*mujtahide*) is the feminine application of the word *mujtahid*, meaning one who has the authority to derive the law from its sources, including, but not limited to, the *Qur’an* and the *hadith* [9]. So, among the most famous are Amina bint al-Majlesi, Bibi Khanum, Amina as-Sadr Bint al-Huda, Hashimiyah al-Tujjar, Zohreh (Zuhrah) Sefati, and Banu Amin (Lady Amin).

They were among the leading jurists of their time. Obviously, if we compare them with the number of Shia male scholars, the difference is quite large. This was primarily due to problems with access to education and attitudes towards women in society. The first female mujtahids were relatives of leading scholars, who were both teachers and mentors, so they had no problems with access to education. For example, Amina Bint al-Majlesi (also known as Amina Begum) is known as one of the first Shia mujtahides, and was the sister of Allame Majlesi, and assisted him in writing *Bihar al-Anwar* (one of the fundamental Shia *hadith* collections). Bibi Khanum was the daughter of the Ayatollah Mohammad Hasan Mamaqani. This was the case until recently (Amina al-Sadr was the sister of Ayatollah Sayyid Mohammad Baqir al-Sadr), but the number of female students in Shia religious institutions in Iran and Iraq has increased a lot, especially in the last century and recent years. This is also due to the active work of other female mujtahids (for example, the activities of Amina al-Sadr and Lady Amin, which are discussed in more detail in the next paragraphs) and the general tendencies of the feminist movement in Islam, in particular. In Iraqi seminaries, religious education resumed after the fall of Saddam’s regime, and so the number of students (both female and male) increased significantly [10]. As for Iran, according to some estimates, as of 2016–2017, there were 350,000 seminarians in Iran, including 90,000 female seminary graduates and 75,000 female students, and the number of female seminary students doubled, from 32,000 in 2006 to 75,000 in 2016) [6] (pp. 221–222).

Public life in Iraq in the middle of the XX century was dominated by the two trends of “atheism and enticement” and the conventional Islamic trend, which requires women to stay at home, not allowing them to talk to men. In the midst of these two rejected trends, Amina al-Sadr put forward a third trend, and began fundamental work to raise awareness among women [11]. She demanded that Muslim women rise up and take responsibility, fulfil their role in changing society, and established few Hussaini majalis (gatherings) in different parts of Iraq, where girls could receive religious education. Her ideas met resistance from local authorities too, so police rescue vehicles were parked outside the houses where Bint al-Huda gave her lectures, but this could not stop more than 300 women from coming to the Zalzal family home to listen to her [11]. She was one of those representatives of the

Islamic feminist movement who believed that the status of women in Islam was already very high, and she rejected Western values, disagreeing with many of them. Amina al-Sadr has written a large amount of prose fiction, in which she tries to attract young people to traditional Muslim values, through her characters.<sup>2</sup>

Among Shi'ites, she and her brother are known as the Martyrs, because they were killed on the orders of Saddam Hussein for their active pro-Shia stance. But the results of her activities continued to grow. Inspired by her activities, Shia women in Iraq continued to engage in Islamic educational activities. There is also a women's religious seminary named after Bint al-Huda in the Iranian city of Qom.

The two other most famous mujtahides were from Iran. Nuṣrat Amin was one of the most influential mujtahides of the last century. Since it was not customary for the women of the urban elite at that time to leave their homes, she selected teachers and asked them to come to her home to teach her classical Islamic education, including Arabic, logic and other subjects. During these lessons, she sat behind a curtain to preserve her modesty. She continued her private studies until she was forty, when she was awarded the degree of Ijtihad. This title gave her the right not to be muqallid, that is, to interpret the law from its original sources, as well as to quote and interpret hadith [9]. But she did not stop there; she continued to improve her religious knowledge and achieved such high respect in scientific circles that she herself already granted other men ijazats (permissions) for ijthad and riwayat.

Ladan Rahbari writes that Lady Amin was highly regarded during her lifetime, and it is possible that her conservative views on gender relations helped her to become a religious figure among the leading scholars of her time. However, despite the respect for her on the part of religious leaders, and even after receiving the certificate of ijthad, Amin was not completely shielded from the classical mainstream views of female ijthad. Lady Amin's influence over male scholars was, to some extent, limited by the resistance of the male mujtahids and the system of granting religious authority and positions that favoured men. Lady Amin has lived most of her scholarly life at home, and has taught in institutions she founded in the 1960s—a girls' high school and religious seminary, and she did not teach in the main educational centres of Shia Islam [12].

In this context, Lady Amin's ijthad and jurisprudence, as well as other women scholars, are gaining in importance. However, her ideas on gender also diverged from those of contemporary Islamic feminists, in particular in that they remained within the mainstream legal views on gender and the role of women in society. Despite this, her views on the empowerment of women through religious education, as well as on the spirituality of women and their closeness to God, are examples of points of view that differed from some theological currents of her time.

Zuhrah Şifati is the most prominent female religious authority in the Islamic Republic of Iran, and has long been a member of the Women's Socio-Cultural Council, where she chaired the committee on jurisprudence and law. She is more of a political activist than a traditional scholar, although this is not to deny the fact that she is a recognized mujtahide and communicated/communicates with prominent Ayatollahs, including Ayatollahs Beheshti, Murtaḍha Mutahhari, Muhammad Faḍil Lankarani, and LuṭfAllah Safi Gulpaygani. She is engaged in educational activities, and actively advocates for women's rights and for modern approaches to understanding some of the classic Shia concepts. As part of this study, I will not consider all of them, but will focus only on her position on whether a woman can be a Marja' at-taqlid. She is one of the few well-known Shia religious figures who believe that women can be a Marja'. She argues her position by the fact that women go through the same path as men when they study; that is, the process of religious education in Shia educational institutions does not differ in terms of gender. She also draws attention to the fact that there are a number of famous scholars who support her position (they will be mentioned later). Şifati openly criticizes the position of mujtahid men who disagree with her opinion, while emphasizing that her criticism does not apply to all men, since



throughout her educational process many male religious scholars supported and taught her [13].

### 5. Women as Marja' At-Taqlid

It is known that in Shia Islam the concept of Marja' at-taqlid exists only among Twelvers and within the framework of the Usuli direction. The Akhbaris do not recognize the possibility of practicing ijtihad, and therefore the activity of their religious scholars is reduced to the study of the Qur'an and hadith only. Most Usuli scholars believe that women cannot become a Marja', but can be a mujtahid. Sayyid Muhammad Rizvi, answering this question, stated that "In short, a woman can reach the level of ijtihad and follow her own views but she cannot become a Marja'".<sup>3</sup> That is, from the Usuli point of view, women have the right not to perform taqlid to other mujtahids, and at the same time they cannot be a Marja'. It is implied that in religious matters they are not obliged to emulate other mujtahids, but they themselves cannot be a source of taqlid—issuing fatwas that are obligatory for other Muslims. Let us try to understand what this position is based on. Interestingly, women mujtahids themselves agree with this position, and, among the famous mujtahides, it is disputed only by Şifati.

Saeid Golkar writes that, according to Fischer, one of the main arguments of Shia scholars was the inherent difference between men and women, and the incapacity of women to achieve this position. In his opinion they referred to Imam Ali's sermon, where he said that women are deficient in faith, deficient in shares, and deficient in intelligence. The sermon to which Fisher referred is cited in Nahj al-Balaghah (Path of eloquence)—one of the most famous collections of sermons and sayings of Imam Ali, and it received various reactions among Sunni and Shia scholars [6]. A. Inloes writes that some commentators tended to accept these views as facts about the nature of women, while the majority of Shia scholars agreed that these words were actually directed at Aisha bint Abi Bakr, who fought against Imam Ali at the Battle of the Camel; out of respect for the fact that she was a widow of the Prophet Muhammad, Ali spoke to her in the plural ("women") rather than to her directly ("you") [14] (p. 333). The sermon consists of three parts, and the likelihood that this passage was composed of separate parts, each appearing in different books attributed to different people at different times, may be viewed as a sign that these words were not actually spoken to Aisha at that time, and most probably do not even belong to Imam Ali [14] (p. 342). It has also been suggested that this sermon was fabricated to defame Fatima (the wife of Ali), in order to reduce her claim to Fadak, since the sermon itself talks about the lesser position of women in receiving an inheritance and bearing witness, which was one of the reasons Fatima and Ali lost this litigation against Abu Bakr [14,15].

Fischer also mentioned that many Shia Marja' believe that women cannot be a source of emulation, due to their inner weakness, and that Grand Ayatollah Muhammad Hussein Fadlallah and Grand Ayatollah Yousef Saanei had another view, and were the exceptions [16]. Looking closer at the positions of these scholars, one can see that only Yousef Saanei officially recognized the possibility of women being Marja'.

The issue of the status of women in Islam is highly controversial. Almost all religious leaders write that in Islam, the legal status of women is equal to that of men, and that if there are restrictions, then they have a hidden meaning and benefit (for women). As an example, the same Ayatollah Fadlallah cites the position of prominent women in Islam, such as the Queen of Sheba, Pharaoh's wife, Maryam, who are role models for believers, both men and women.<sup>4</sup> But, at the same time, in the collection of his fatwas, among the conditions/requirements that there must be in relation to the Marja', there is a provision on gender (male) [17].<sup>5</sup>

The status of Fatimah in Shia Islam requires special attention. Of course, the Sunnis treat the daughter of the Prophet with deep respect and reverence, but in Shi'ism she is considered as an infallible person. Proceeding from the concept of infallibility, which exists in Sunni Islam and, according to which, only prophets are sinless, Shi'ites consider the members of Ahl al-Bayt—fourteen ma'sum, including the Prophet, twelve imams and

Fatimah—as such. She is not only the daughter of the Prophet, but also the mother of the Shia imams, because it was through her that the prophet's lineage continued, and she passes on the prophet's legacy to the Shia imams, their sons and all future generations. Fatimah has always been a role model in the Shia community [18]. Her lifestyle, behaviour, and wisdom are the subject of emulation for the Shi'ites; that is, her behaviour forms a "precedent" that should be followed and can be considered as Sunnah. That is, in the Shia religious tradition, Fatimah is considered not only as a transmitter of the hadith that she could hear from her father, but also as directly as a "source of hadith". Since, in addition to the Prophet, the Shi'ites also consider Fatimah and the imams to be infallible, their actions and statements are also included in the concept of "Sunnah". Thus, the fact that she is a woman does not prevent Shi'ites from seeing her as a "divine reference in Shia religion".

Responding to the above argument about such a high status of Fatimah and her knowledge, Shia scholars point out that they recognize all these facts, but pay attention to the fact that the Prophet always, when he left for other areas, left a male governor in his place, and a woman was never assigned the position of a leader.

Grand Ayatollah Yousef Saanei and Grand Ayatollah Mohammad Ebrahim Jannaati were/are the most well-known Marja' allowing women to hold this "position". Ayatollah Jannaati believes that it is permissible for a woman to hold a judicial position, provided she fulfils all necessary conditions.<sup>6</sup> Ayatollah Saanei, in support of his position, cited the following arguments. He points out that the hadith, which are often used to substantiate the theory of "wilayat al-faqih", which give a certain authority to the scholars (jurists/fuqaha), considering them representatives of the prophets and imams in the era of the major occultation, do not indicate a specific gender when referring to the faqih. And, in his opinion, this means that both men and women can become Marja' if they acquire the necessary knowledge. Saanei also argues that if the term "man" (rajul) is used in fiqh literature in connection with issues related to the concept of Marja', then this reflects only the linguistic conventions of the time, as was the case in the Arab traditions of the past, where several passages of the Qur'an were only addressed to men. He also appeals to one of the main values of Islam—its epistemological component, namely knowledge. He believes that nowhere in the Qur'an or reliable hadith from the Prophet and Imams is it stated that men or women are encouraged to acquire scientific knowledge differently. In Islam, all people are encouraged to acquire knowledge, and, in his opinion, excluding women from the possibility of obtaining the highest level of religious knowledge—the knowledge necessary to become a Marja'—is, in fact, acting contrary to the message of Islam [19].

Let us consider in more detail all aspects of the institution of Marja'iyat, in order to check whether a woman can really be a Marja' or not.

There is no direct mention of this concept in general in the Qur'an and hadith, since this concept was formed much later. Fischer wrote that there is controversy over the question of the first Marja', and that most classical, as well as modern scholars of Twelver Shia history, tend to simplify the entire process, by listing all prominent Shia scholars, from Kulayni to Khomeini, as Marja' [16]. That is, if all prominent religious leaders were Marja', then women were excluded from this list, because they simply did not have access to a proper religious education. But again, from this aspect, it should not be forgotten that the ability of women to comprehend religious knowledge cannot be disputed, especially given Fatimah's status as a role model for all Shi'ites. Taking into account Fisher's position, in the Middle Ages, Shia muqallids did indeed perform taqlid and follow the decrees of leading religious scholars, but the latter did not position themselves as Marja', since such a concept did not exist at that time.

Linda S. Walbridge analysed the evolution of the development of the concept of Marja', and noted that there are two prevailing views:

(1) Musawi claims that it arose as an institution under the leadership of Shaykh Muhammad-Hasan al-Najafi in the early XIX century. He points out that this concept was based on practical considerations and not on legal analysis, because in the middle of the XIX century Usuli clerics faced challenges in the form of anti-clerical Akhbaris, Shaykhis



and Babis. The need for organized resistance strengthened the position of the clerics, which led to the victory of the Usulis over the Akhbaris;

(2) other scholars, such as Juan Cole and Hamid Dabashi, believe that this concept originated in the XVIII century, in response to the need to integrate Shia clerics and establish lines of power [20].

Abdulaziz A. Sachedina stated that Najafi's status as a Marja' al-taqlid gave the position of a mujtahid unprecedented recognition, and his successor and student Shaykh Murtadha Ansari further developed the foundations of Shia Islamic jurisprudence and Marja' at-taqlid, and was sole Marja' in Najaf for all Shias, during his lifetime. Ansari also developed rulings regarding the qualifications of a jurist who can become Marja' al-taqlid, which were further developed and detailed according to the views and methodology of each Marja' [21] (p. 22).

So, in any case, this concept was developed around the XIX century, and then its foundations and the basic requirements for becoming a Marja' were formulated. But it became even more important in the last century, when the Islamic Revolution happened in Iran and the concept of "wilayat al-faqih" was approved at the constitutional level. From 1979 to 1989, being a Marja' was necessary in order to become a Rahbar (Supreme Leader of Iran) [22]. This politicized the institution of the Marja'iyat, and led to another dilemma from the aspect of Islam and gender issues—can a woman be the head of state? There is no consensus among Muslim scholars on this question, but most of them give a negative answer to it. However, if one briefly considers the criteria that the leader of the state must meet from the point of view of Shi'ism, one will see that women can be suitable candidates. So, Ayatollah Khomeini identifies the two main features that the ruler should possess:

1. Knowledge of the laws—knowledge has always been valued in any society, so scholars have also been honoured. Rulers must also be surrounded not by the richest people, who we can see in most countries, but by the most knowledgeable;

2. Justice—because there is not enough knowledge alone. Many despots and tyrants were smart and knowledgeable. This is where the second requirement comes into play—the ruler must be perfect in terms of religion and morality, be fair, and not be a sinner [23].

This position is fully consistent with the Sunnah of the Prophet and the imams. Imam Sadiq said: "The loveliest deed for Allah, the Almighty, is the kindness of a king and his justice. However, the most unacceptable deed is the ignorance of the king and his cruelty" [24]. Therefore, in order to determine whether a woman can be a leader, it is necessary to answer the question of whether a woman can have a high level of knowledge and be fair. The position supporting this statement is presented above, in the materials of this study.

## 6. Conclusions

In this paper, I determined the current trends in Shia Islamic thought in terms of a woman's ability to become a Marja' at-taqlid. This situation is almost similar to the position of judges in the Islamic world. Previously, this position was held exclusively by men, but, in 2009, Kholoud Faqih and Asmahan Al-Wuheidi passed the qualifying exams and became two of the first women judges in more than 1000 years of Sharia courts in the Middle East. These events are covered in the 2017 documentary by Erika Cohn, "The Judge", in which is notable a conversation between Shaykh Taisir al-Tamimi and Kholoud Faqih, during which the latter managed to convince him that the Hanafi school of Islamic law, which is followed by the Palestinian Sharia courts, does not regulate the issue of women's participation in Sharia courts, which means that it is not prohibited by Islamic law.<sup>7</sup> The same situation exists with regard to the possibility of women becoming a Marja'.

Ayatollah Montazeri, during his interview with Bashi Golbarg, said that in the Islamic Republic there can be no laws that contradict the tenets of the Islamic religion. The need to not become globally isolated requires cooperation with international organizations, and this is possible, with the exception of some cases where these laws contradict the very clear text of the Qur'an. Those aspects of the Islamic law that are based on the letter of the Qur'an

itself cannot be changed, while the rest can be changed [25]. In the Qur'an and the hadith there is no direct rule that would forbid women to be Marja' (since Marja'iyat appeared much later). So this position can be changed. Also, analysing the verses of the Qur'an and hadith from the Prophet and imams, it is hard not to agree with Saanei's position that Islam motivates both men and women to receive religious knowledge in equal measure. There were also examples of women who were, and are, role models for all Muslims, such as Maryam, Queen of Sheba and, especially, Fatimah, whose status in Shia Islam is very high.

In order to understand whether a woman can be a Marja', it is necessary to check the rest of the criteria that are put forward for Marja'. Different sources give different requirements, but the most exhaustive list includes the following: coming of age; righteousness; justice; legal capacity (the ability to be responsible for one's actions, and lack of mental illness); religious affiliation (being a Twelver Shia); legitimate (to be born in marriage); in accordance with the obligatory warning, to be alive, not to be a slave to one's passions, and not to have unnecessary love for the worldly; and scientific qualifications (to be a mujtahid, and, preferably, the most competent in Islamic law). In this study, I gave examples of the female mujtahids who had such great knowledge that they gave out permissions for ijthad to men; righteous, just women who, with their lifestyle and behaviour, represented Islam in the best possible way—especially Fatimah, Maryam, and others. That is, considering each of these criteria, one will see that women can meet all these criteria. Also, it should be understood that these above-mentioned criteria are formulated by each Marja', based on their understanding of Islam and their own methodology, since there is no direct mention of Marja'iyat in the Qur'an and hadith (the hadith only mention that, during the absence of the Imam, Shia should refer to knowledgeable and just people).

One of the main obstacles for women on the way to gaining knowledge was the limited access to this sphere, but given contemporary conditions, and the situation in Iran and Iraq especially, it can be seen that the share of women among students is very significant, and that in some regions they constitute more than half of all students. Also, the specificity of the Marja'iyat is that there is no specific procedure for obtaining this position; at this time, this requires recognition from other Marja' (all of them are men) and recognition of the mujtahid by a large number of his/her followers, but the wish of some men to follow the decrees of women-Marja', taking into account the patriarchal traditions that exist in many Muslim communities, is called into question. In any case, it is a matter of time, and if, even less than 100 years ago, there was not even a discussion about whether a woman could be a Marja', now this thesis is already supported by a number of religious leaders, including not only women, but also men. Therefore, I predict that such changes may occur in Shia scientific circles, but that, in any case, it will meet resistance from the most conservative clerics and sections of the population.

**Funding:** This research received no external funding. The APC was funded by Max Planck Institute for the Study of Religious and Ethnic Diversity.

**Conflicts of Interest:** The author declares no conflict of interest.

## Notes

- <sup>1</sup> See more: Al-fiqh/Islamic jurisprudence. <http://alhassanain.org/russian/?com=book&id=23> (accessed on 4 October 2023).
- <sup>2</sup> Her books in English are available here: <https://www.al-islam.org/person/amina-bint-al-huda> (accessed on 2 October 2023).
- <sup>3</sup> See more: <https://www.al-islam.org/ask/would-a-female-mujtahid-still-have-to-follow-a-male-marja> (accessed on 3 October 2023).
- <sup>4</sup> See more: <https://english.bayynat.org.lb/WomenFamily/role.htm> (accessed on 6 October 2023).
- <sup>5</sup> See more: [http://english.bayynat.org.lb/Fatawa/Fatwa\\_IntroductionMain.htm](http://english.bayynat.org.lb/Fatawa/Fatwa_IntroductionMain.htm) (accessed on 5 October 2023).
- <sup>6</sup> See more: <http://www.jannaati.com/eng/?page=6> (accessed on 6 October 2023).
- <sup>7</sup> See more: [https://www.washingtonpost.com/goingoutguide/movies/this-palestinian-lawyer-is-one-of-the-first-women-to-serve-over-a-sharia-court-the-judge-is-her-story/2018/05/01/cf9b30ba-499e-11e8-827e-190efaf1f1ee\\_story.html](https://www.washingtonpost.com/goingoutguide/movies/this-palestinian-lawyer-is-one-of-the-first-women-to-serve-over-a-sharia-court-the-judge-is-her-story/2018/05/01/cf9b30ba-499e-11e8-827e-190efaf1f1ee_story.html) (accessed on 6 October 2023).

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